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3 UNITED STATES DISTRICT COURT  
4 SOUTHERN DISTRICT OF CALIFORNIA

5 UNITED STATES OF AMERICA, ) CASE NO. 08CR2428 JAH  
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Plaintiff,  
v.  
VICENTE MANUEL AGUIRRE,  
Defendant.

I HEREBY DECLARE:

1. I am an attorney licensed to practice law in the State of California and this Court. I represent the Defendant in the above-entitled cause;

2. Before Mr. Vicente Manuel Aguirre was indicted, I had a conversation with Assistant U.S. Attorney James Melendres who told me that the reason Mr. Aguirre was stopped in his vehicle on his way from the United States into the Republic of Mexico was that he (Mr. Aguirre) was involved in a wiretap in the United States.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on August 13, 2008

s/Philip A. DeMassa  
PHILIP A. DeMASSA

DECLARATION OF PHILIP A. DeMASSA

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3 UNITED STATES DISTRICT COURT  
4 SOUTHERN DISTRICT OF CALIFORNIA

5 UNITED STATES OF AMERICA, ) CASE NO. 08CR2428 JAH  
6 )  
7 Plaintiff, ) CERTIFICATE OF SERVICE  
8 v. )  
9 VICENTE MANUEL AGUIRRE, )  
10 Defendant. )  
11

12 I HEREBY CERTIFY THAT:

13 I, PHILIP A. DeMASSA, am a citizen of the United States and  
14 am at least eighteen years of age. My business address is 2356  
Moore Street, Suite 201, San Diego, CA 92110.

15 I am not a party to the above-entitled action. I have caused  
16 service of the signed Declaration of Philip A. DeMassa which was  
17 originally filed on August 13, 2008 as an exhibit to the Notice  
18 of Motion and Motion for Discovery, Disclosure of Electronic  
Surveillance, etc. and Points and Authorities in Support of  
19 Motion for Electronic Surveillance, etc., Docket No. 14, on the  
20 following parties by electronically filing the foregoing with  
the Clerk of the District Court using its ECF System which  
electronically notifies them:

- 21 1. Caroline P. Han, Esq  
22 Caroline.Han@usdoj.gov

23 I hereby certify that I have caused to be mailed the  
24 foregoing by the United States Postal Service, to the following  
25 non-ECF participant(s) in this case:

- 26 1. None

27 I declare under penalty of perjury under the laws of the  
28 State of California that the foregoing is true and correct.

Executed on August 14, 2008

29 s/Philip A. DeMassa  
PHILIP A. DeMASSA

CERTIFICATE OF SERVICE